

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-08271

Priority: May 05, 1991

Maximum Diversion Rate: 17.60 CFS
Maximum Diversion Volume: 5,250.0 AF

It is hereby certified that J M MILLER ENTERPRISES INC
PO BOX 1
FILER ID 83328 has complied with the terms and conditions of the permit
issued pursuant to Application for Permit dated April 24, 1991, and has submitted Proof of Beneficial Use on
November 01, 2005. An examination confirms water is diverted from:

SOURCE

UNNAMED STREAM
WASTE WATER

Tributary: SNAKE RIVER
SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
POWER	01/01 to 12/31	17.60 CFS	5,250.0 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	1.20 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM	SE1/4NE1/4	Sec. 13, Twp 09S, Rge 15E, B.M.	TWIN FALLS County
WASTE WATER	SW1/4NW1/4	Sec. 13, Twp 09S, Rge 15E, B.M.	TWIN FALLS County

PLACE OF USE: POWER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	15E	13	X																

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	15E	13	X			X													

CONDITIONS OF APPROVAL

1. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
2. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.

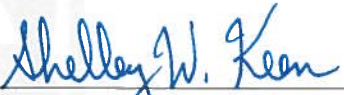
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-08271

4. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
5. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
6. The term of this water right license shall run concurrently with FERC license number P-110060, issued by the Federal Energy Regulatory Commission (FERC), which expires on January 31, 2049. The term shall automatically extend to run concurrently with any annual renewals of the project's FERC license. Prior to the issuance of a subsequent or new FERC license for the project, the Director may review the water right license and may issue an order canceling all or any part of the use, establishing a new term, or revising, adding or deleting conditions under which the water right may be exercised. The order shall take effect on the date the current term, as may be extended through annual renewals, expires. If the Director does not issue such an order, the term shall automatically extend to a length equal to the project's subsequent or new FERC license and any prior conditions on the water right license shall remain in effect.
7. Use of water for power purposes under this right shall be non-consumptive.

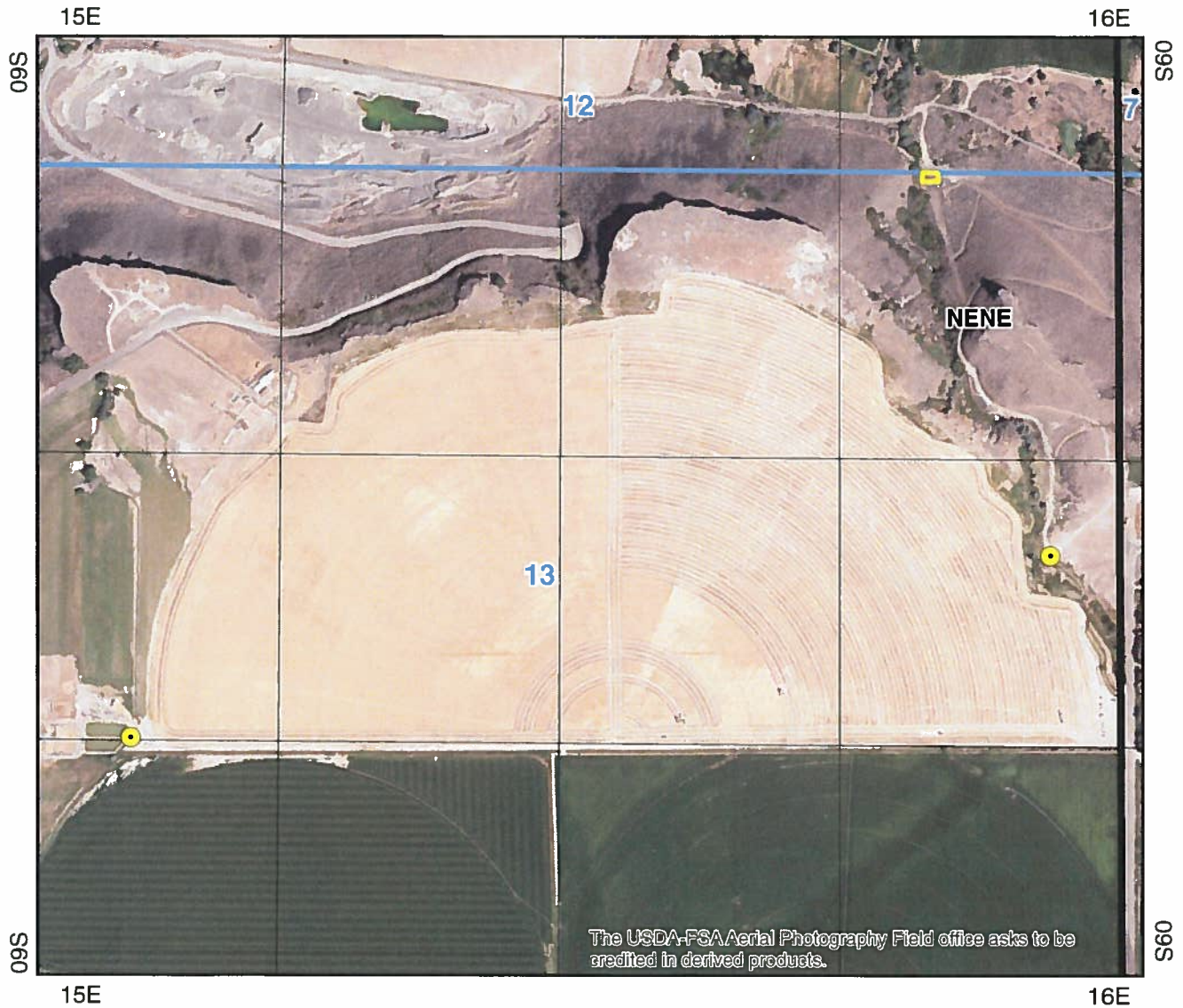
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 24th day of July, 2015.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
47-8271

This map depicts the POWER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



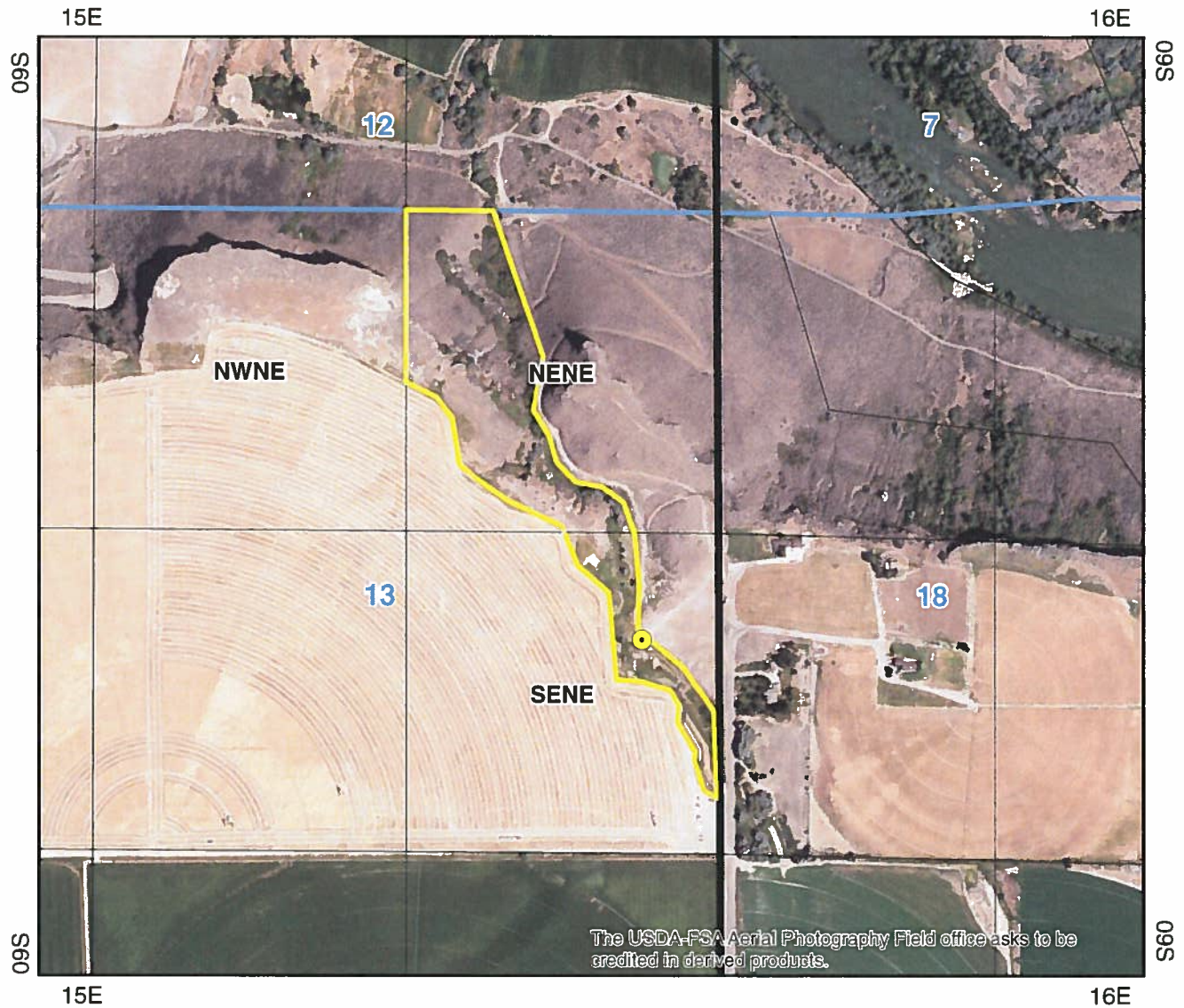
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.1 0.2 0.4 Miles



State of Idaho
Department of Water Resources
Attachment To Water Right License
47-8271

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 28, 2015

J M MILLER ENTERPRISES INC
PO BOX 1
FILER ID 83328

RE: License No. 47-8271

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4951.

Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2015, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

47-8271

**J M MILLER ENTERPRISES INC
PO BOX 1
FILER ID 83328**



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Hydropower Beneficial Use

	Beginning Meter	Ending Meter	Meter Change	x1200 KWH	Monthly KWH Produced	KWH Avg. per day - 30 day months	KWH - Avg. per hour - 24 hr	CFS, based on KWH/1 hr	Volume, AF
Year 2009									
Jan	1460	1460	0	0	0	0	0.00	0.00	0.00
Feb	1460	1460	0	0	0	0	0.00	0.00	0.00
March	1460	1460	0	0	0	0	0.00	0.00	0.00
April	1460	1518	58	69600	69600	2320	96.67	4.31	256.33
May	1518	1701	183	219600	219600	7320	305.00	13.59	808.76
June	1701	1894	193	231600	231600	7720	321.67	14.33	852.95
July	1894	2019	125	150000	150000	5000	208.33	9.28	552.43
Aug	2019	2226	207	248400	248400	8280	345.00	15.37	914.82
Sept	2226	2409	183	219600	219600	7320	305.00	13.59	808.76
Oct	2409	2560	151	181200	181200	6040	251.67	11.21	667.33
Nov	2560	2577	17	20400	20400	680	28.33	1.26	75.13
Dec	2577	2577	0	0	0	0	0.00	0.00	0.00
							Total:	Max:	Total:
							1340400	15.37	4936.50

Year 2010									
Jan	2577	2577	0	0	0	0	0.00	0.00	0.00
Feb	2577	2577	0	0	0	0	0.00	0.00	0.00
March	2577	2577	0	0	0	0	0.00	0.00	0.00
April	2577	2577	0	0	0	0	0.00	0.00	0.00
May	2577	2804	227	272400	272400	9080	378.33	16.86	1003.21
June	2804	2945	141	169200	169200	5640	235.00	10.47	623.14
July	2945	3080	135	162000	162000	5400	225.00	10.03	596.62
Aug	3080	3220	140	168000	168000	5600	233.33	10.40	618.72
Sept	3220	3457	237	284400	284400	9480	395.00	17.60	1047.40
Oct	3457	3617	160	192000	192000	6400	266.67	11.88	707.11
Nov	3617	3617	0	0	0	0	0.00	0.00	0.00
Dec	3617	3617	0	0	0	0	0.00	0.00	0.00
							Total:	Max:	Total:
							1248000	17.60	4596.21

Year 2011									
Jan	3617	3617	0	0	0	0	0.00	0.00	0.00
Feb	3617	3617	0	0	0	0	0.00	0.00	0.00
March	3617	3617	0	0	0	0	0.00	0.00	0.00
April	3617	3671	54	64800	64800	2160	90.00	4.01	238.65
May	3671	3838	167	200400	200400	6680	278.33	12.40	738.04
June	3838	4024	186	223200	223200	7440	310.00	13.81	822.01
July	4024	4205	181	217200	217200	7240	301.67	13.44	799.92
Aug	4205	4380	175	210000	210000	7000	291.67	13.00	773.40
Sept	4380	4566	186	223200	223200	7440	310.00	13.81	822.01
Oct	4566	4785	219	262800	262800	8760	365.00	16.27	967.86
Nov	4785	4804	19	22800	22800	760	31.67	1.41	83.97
Dec	4804	4804	0	0	0	0	0.00	0.00	0.00
							Total:	Max:	Total:
							1424400	16.27	5245.86

Year 2012

Jan	4804	4804	0	0	0	0	0.00	0.00	0.00
Feb	4804	4804	0	0	0	0	0.00	0.00	0.00
March	4804	4804	0	0	0	0	0.00	0.00	0.00
April	4804	4855	51	61200	61200	2040	85.00	3.79	225.39
May	4855	5020	165	198000	198000	6600	275.00	12.25	729.21
June	5020	5178	158	189600	189600	6320	263.33	11.73	698.27
July	5178	5313	135	162000	162000	5400	225.00	10.03	596.62
Aug	5313	5460	147	176400	176400	5880	245.00	10.92	649.66
Sept	5460	5611	151	181200	181200	6040	251.67	11.21	667.33
Oct	5611	5784	173	207600	207600	6920	288.33	12.85	764.56
Nov	5784	5803	19	22800	22800	760	31.67	1.41	83.97
Dec	5803	5822	19	22800	22800	760	31.67	1.41	83.97
							Total:	Max:	Total:
							1221600	12.85	4498.98

Year 2013

Jan	5822	5822	0	0	0	0	0.00	0.00	0.00
Feb	5822	5822	0	0	0	0	0.00	0.00	0.00
March	5822	5822	0	0	0	0	0.00	0.00	0.00
April	5822	5865	43	51600	51600	1720	71.67	3.19	190.04
May	5865	5995	130	156000	156000	5200	216.67	9.66	574.53
June	5995	6133	138	165600	165600	5520	230.00	10.25	609.88
July	6133	6290	157	188400	188400	6280	261.67	11.66	693.85
Aug	6290	6441	151	181200	181200	6040	251.67	11.21	667.33
Sept	6441	6598	157	188400	188400	6280	261.67	11.66	693.85
Oct	6598	6735	137	164400	164400	5480	228.33	10.17	605.46
Nov	6735	6751	16	19200	19200	640	26.67	1.19	70.71
Dec	6684	6684	0	0	0	0	0.00	0.00	0.00
							Total:	Max:	Total:
							1114800	11.66	4105.65

Year 2014

Jan			0	0	0	0	0.00	0.00	0.00
Feb	6684	6684	0	0	0	0	0.00	0.00	0.00
March	6684	6684	0	0	0	0	0.00	0.00	0.00
April	6684	6684	0	0	0	0	0.00	0.00	0.00
May	6684	6713	29	34800	34800	1160	48.33	2.15	128.16
June	6713	6845	132	158400	158400	5280	220.00	9.80	583.36
July	6845	7002	157	188400	188400	6280	261.67	11.66	693.85
Aug	7002	7185	183	219600	219600	7320	305.00	13.59	808.76
Sept	7185	7370	185	222000	222000	7400	308.33	13.74	817.59
Oct	7370	7550	180	216000	216000	7200	300.00	13.37	795.50
Nov	...	...	x	x	x	x	x		
Dec	...	...	x	x	x	x	x		
							Total:	Max:	Total:
							1039200	13.74	3827.23

Bitzenburg, James

From: James Miller [jim@millerengineering.com]
Sent: Wednesday, October 01, 2014 2:15 PM
To: Bitzenburg, James
Subject: Re: Miller Enterprises Hydro permit
Attachments: Miller Hydro 2009-2014.pdf

Jim:

Per your request I am submitting a summary of our monthly power production from 2009 to present (Aug 2014). The Meter readings are from the Idaho power meter itself and these are the numbers that have been turned into Idaho Power and for which we have been paid. The 1200 factor is what we multiply our meter readings by to get the actual KWH. I can verify this number if you like.

The capacity of our generator and turbine is over 450 KWA and we often run at about that level during plentiful canal water times. You will see that our highest average hourly production rate over a one month period is about 395 KWH. During this summer during all the rains we have been running regularly at our 450-460 KWH limits for several days at a time.

Per our conversation, I would agree to an 80% efficiency rating as you do your calculations for our diversion license. Please also keep in mind that we do also utilize diverted water for livestock and we currently have about 90 in cattle and horses. I believe that was requested within the license petition.

Let me know what our next steps are to get this facility licensed. Thank you for your help.

Jim Miller

	Beginning Meter	Ending Meter	Meter change	x1200KWH	Monthly KWH Produced	KWH- Average per day -30 day months	KWH- Average per hour - 24 hr	Total Annual KWH		
Year 2009										
Jan	1460	1460	0	0	0	0.00	0.00			
Feb	1460	1460	0	0	0	0.00	0.00			
Mch	1460	1460	0	0	0	0.00	0.00			
April	1460	1518	58	69600	69600	2320.00	96.67			
May	1518	1701	183	219600	219600	7320.00	305.00			
June	1701	1894	193	231600	231600	7720.00	321.67			
July	1894	2019	125	150000	150000	5000.00	208.33			
Aug	2019	2226	207	248400	248400	8280.00	345.00			
Sept	2226	2409	183	219600	219600	7320.00	305.00			
Oct	2409	2560	151	181200	181200	6040.00	251.67			
Nov	2560	2577	17	20400	20400	680.00	28.33			
Dec	2577	2577	0	0	0	0.00	0.00			
								1340400	2009 Total	
Year 2010										
Jan	2577	2577	0	0	0	0.00	0.00			
Feb	2577	2577	0	0	0	0.00	0.00			
Mch	2577	2577	0	0	0	0.00	0.00			
April	2577	2577	0	0	0	0.00	0.00			
May	2577	2804	227	272400	272400	9080.00	378.33			
June	2804	2945	141	169200	169200	5640.00	235.00			
July	2945	3080	135	162000	162000	5400.00	225.00			
Aug	3080	3220	140	168000	168000	5600.00	233.33			
Sept	3220	3457	237	284400	284400	9480.00	395.00			
Oct	3457	3617	160	192000	192000	6400.00	266.67			
Nov	3617	3617	0	0	0	0.00	0.00			
Dec	3617	3617	0	0	0	0.00	0.00			
					1248000.00			1248000	2010 Total	
Year 2011										
Jan	3617	3617	0	0	0	0.00	0.00			
Feb	3617	3617	0	0	0	0.00	0.00			
Mch	3617	3617	0	0	0	0.00	0.00			
April	3617	3671	54	64800	64800	2160.00	90.00			
May	3671	3838	167	200400	200400	6680.00	278.33			
June	3838	4024	186	223200	223200	7440.00	310.00			
July	4024	4205	181	217200	217200	7240.00	301.67			
Aug	4205	4380	175	210000	210000	7000.00	291.67			
Sept	4380	4566	186	223200	223200	7440.00	310.00			
Oct	4566	4785	219	262800	262800	8760.00	365.00			
Nov	4785	4804	19	22800	22800	760.00	31.67			
Dec	4804	4804	0	0	0	0.00	0.00			
					1424400.00		0.00	1424400	2011 Total	
Year 2012										
Jan	4804	4804	0	0	0	0.00	0.00			
Feb	4804	4804	0	0	0	0.00	0.00			
Mch	4804	4804	0	0	0	0.00	0.00			
April	4804	4855	51	61200	61200	2040.00	85.00			
May	4855	5020	165	198000	198000	6600.00	275.00			
June	5020	5178	158	189600	189600	6320.00	263.33			
July	5178	5313	135	162000	162000	5400.00	225.00			
Aug	5313	5460	147	176400	176400	5880.00	245.00			
Sept	5460	5611	151	181200	181200	6040.00	251.67			

10/2/14

Miller Hydro 2009-2014

Oct	5611	5784	173	207600	207600	6920.00	288.33			
Nov	5784	5803	19	22800	22800	760.00	31.67			
Dec	5803	5822	19	22800	22800	760.00	31.67			
					1221600.00			1221600	2012 Total	
Year 2013										
Jan	5822	5822	0	0	0	0.00	0.00			
Feb	5822	5822	0	0	0	0.00	0.00			
Mch	5822	5822	0	0	0	0.00	0.00			
April	5822	5865	43	51600	51600	1720.00	71.67			
May	5865	5995	130	156000	156000	5200.00	216.67			
June	5995	6133	138	165600	165600	5520.00	230.00			
July	6133	6290	157	188400	188400	6280.00	261.67			
Aug	6290	6441	151	181200	181200	6040.00	251.67			
Sept	6441	6598	157	188400	188400	6280.00	261.67			
Oct	6598	6735	137	164400	164400	5480.00	228.33			
Nov	6735	6751	16	19200	19200	640.00	26.67			
Dec	6684	6684	0	0	0	0.00	0.00			
					1114800.00			1034400	2013 Total	
Year 2014										
Jan	6684	6684	0	0	0	0.00	0.00			
Feb	6684	6684	0	0	0	0.00	0.00			
Mch	6684	6684	0	0	0	0.00	0.00			
April	6684	6713	29	34800	34800	1160.00	48.33	34800		
May	6713	6845	132	158400	158400	5280.00	220.00	158400		
June	6845	7002	157	188400	188400	6280.00	261.67	188400		
July	7002	7185	183	219600	219600	7320.00	305.00	219600		
Aug	7185	7370	185	222000	222000	7400.00	308.33	222000		
Sept	7370	7550	0	0	0	0.00	0.00			
Oct	0	0	0	0	0	0.00	0.00			
Nov	0	0	0	0	0	0.00	0.00			
Dec	0	0	0	0	0	0.00	0.00			
								1039200	TO date	
								9060000	Total KWH to date all year	